

2013 DRAFTING REQUEST**Bill**

Received: **12/27/2013** Received By: **phurley**
 Wanted: **As time permits** Same as LRB:
 For: **Evan Goyke (608) 266-0645** By/Representing: **Ryan Knocke**
 May Contact: Drafter: **phurley**
 Subject: **Veterans - miscellaneous** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Goyke@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Civil court representation for indigent veterans

Instructions:

This bill creates a pilot program, to be administered by WDVA, to last 5 years in a county of the first class. Under the bill, qualifying veterans (Ryan, I need you to insert the appropriate discharge language here, I think general or above), that meet the indigence standard as defined for criminal representation, shall receive legal representation in civil cases.

1/30: PJH t/c with Rep. Goyke. He does not want a grant program, wants DVA to administer. Called his attention to s. 45.43, which provides assistance to vets - he wants to amend that to include civil legal services. May increase approp to s. 20.485 (2) (rm); will provide numbers. Will provide def of civil legal services so that coverage isn't provided for any and all civil matter.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass						
	12/27/2013						

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 2/14/2014	eweiss 2/25/2014	jmurphy 1/10/2014	_____	mbarman 1/10/2014		State
/P2	phurley 3/6/2014		rschluet 2/26/2014	_____	lparisi 2/26/2014		State S&L
/1	phurley 3/19/2014	kfollett 3/6/2014	rschluet 3/6/2014	_____	sbasford 3/6/2014	lparisi 3/6/2014	State S&L
/2		jdye 3/24/2014	jfrantze 3/24/2014	_____	srose 3/24/2014	srose 3/24/2014	State S&L

FE Sent For:

<END>

@
INTRO

2013 DRAFTING REQUEST

Bill

Received: 12/27/2013 Received By: phurley
 Wanted: As time permits Same as LRB:
 For: Evan Goyke (608) 266-0645 By/Representing: Ryan Knocke
 May Contact: Drafter: phurley
 Subject: Veterans - miscellaneous Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Goyke@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Civil court representation for indigent veterans ✓

Instructions:

This bill creates a pilot program, to be administered by WDVA, to last 5 years in a county of the first class. Under the bill, qualifying veterans (Ryan, I need you to insert the appropriate discharge language here, I think general or above), that meet the indigence standard as defined for criminal representation, shall receive legal representation in civil cases.

1/30: PJH t/c with Rep. Goyke. He does not want a grant program, wants DVA to adminster. Called his attention to s. 45.43, which provides assistance to vets - he wants to amend that to include civil legal services. May increase approp to s. 20.485 (2) (rm); will provide numbers. Will provide def of civil legal services so that coverage isn't provided for any and all civil matter.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mglass 12/27/2013	12/24 JLD	jd	3/24			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 2/14/2014	eweiss 2/25/2014	jmurphy 1/10/2014	_____	mbarman 1/10/2014		State
/P2	phurley 3/6/2014		rschluet 2/26/2014	_____	lparisi 2/26/2014		State S&L
/1		kfollett 3/6/2014	rschluet 3/6/2014	_____	sbasford 3/6/2014	lparisi 3/6/2014	State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 12/27/2013 Received By: phurley
Wanted: As time permits Same as LRB:
For: Evan Goyke (608) 266-0645 By/Representing: Ryan Knocke
May Contact: Drafter: phurley
Subject: Veterans - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Goyke@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Civil court representation for indigent veterans

Instructions:

This bill creates a pilot program, to be administered by WDVA, to last 5 years in a county of the first class. Under the bill, qualifying veterans (Ryan, I need you to insert the appropriate discharge language here, I think general or above), that meet the indigence standard as defined for criminal representation, shall receive legal representation in civil cases.

1/30: PJH t/c with Rep. Goyke. He does not want a grant program, wants DVA to administer. Called his attention to s. 45.43, which provides assistance to vets - he wants to amend that to include civil legal services. May increase approp to s. 20.485 (2) (rm); will provide numbers. Will provide def of civil legal services so that coverage isn't provided for any and all civil matter.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass						
	12/27/2013						

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 2/14/2014	eweiss 2/25/2014	jmurphy 1/10/2014	_____	mbarman 1/10/2014		State
/P2	phurley 3/6/2014		rschluet 2/26/2014	_____	lparisi 2/26/2014		State S&L
/1		kfollett 3/6/2014	rschluet 3/6/2014	_____	sbasford 3/6/2014		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST**Bill**

Received: **12/27/2013** Received By: **phurley**
 Wanted: **As time permits** Same as LRB:
 For: **Evan Goyke (608) 266-0645** By/Representing: **Ryan Knocke**
 May Contact: Drafter: **phurley**
 Subject: **Veterans - miscellaneous** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Goyke@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Civil court representation for indigent veterans

Instructions:

This bill creates a pilot program, to be administered by WDVA, to last 5 years in a county of the first class. Under the bill, qualifying veterans (Ryan, I need you to insert the appropriate discharge language here, I think general or above), that meet the indigence standard as defined for criminal representation, shall receive legal representation in civil cases.

1/30: PJH t/c with Rep. Goyke. He does not want a grant program, wants DVA to administer. Called his attention to s. 45.43, which provides assistance to vets - he wants to amend that to include civil legal services. May increase approp to s. 20.485 (2) (rm); will provide numbers. Will provide def of civil legal services so that coverage isn't provided for any and all civil matter.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 12/27/2013	1/15/14 3/6	9/14	_____	_____		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 2/14/2014	eweiss 2/25/2014	jmurphy 1/10/2014	_____	mbarman 1/10/2014		State
/P2			rschluet 2/26/2014	_____	lparisi 2/26/2014		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST**Bill**

Received: **12/27/2013** Received By: **mglass**
 Wanted: **As time permits** Same as LRB:
 For: **Evan Goyke (608) 266-0645** By/Representing: **Ryan Knocke**
 May Contact: Drafter: **mglass**
 Subject: **Veterans - miscellaneous** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Goyke@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Civil court representation for indigent veterans

Instructions:

This bill creates a pilot program, to be administered by WDVA, to last 5 years in a county of the first class. Under the bill, qualifying veterans (Ryan, I need you to insert the appropriate discharge language here, I think general or above), that meet the indigence standard as defined for criminal representation, shall receive legal representation in civil cases.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 12/27/2013						
/P1		eweiss 1/10/2014	jmurphy 1/10/2014		mbarman 1/10/2014		State
/P2		emw kjf 2/25/14	emw 2/25/14				

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **12/27/2013** Received By: **mglass**
 Wanted: **As time permits** Same as LRB:
 For: **Evan Goyke (608) 266-0645** By/Representing: **Ryan Knocke**
 May Contact: Drafter: **mglass**
 Subject: **Veterans - miscellaneous** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Goyke@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Civil court representation for indigent veterans

Instructions:

This bill creates a pilot program, to be administered by WDVA, to last 5 years in a county of the first class. Under the bill, qualifying veterans (Ryan, I need you to insert the appropriate discharge language here, I think general or above), that meet the indigence standard as defined for criminal representation, shall receive legal representation in civil cases.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass	P1 emw & g's 1/10 14		Jan 10 1/10			
FE Sent For:							

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE

in 12/27

DN



2MR

LRB-3891/2 * P1

MGG:k:....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

emw & cjs

and making
an appropriation

Gen. Cat.

1 AN ACT ...; relating to: funding for civil legal services for indigent veterans who
2 are residents of a county that has a population of 750,000 or more.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Veterans Affairs to provide funding from the general fund to the Wisconsin Trust Account Foundation, Inc., for grants to programs that provide civil legal services to indigent. The Wisconsin Trust Account Foundation, Inc., was created by the Supreme Court to allocate the money received from attorney trust accounts under Supreme Court rules to programs that provide civil legal services to persons who are indigent. The funding provided under the bill may be used only for providing civil legal services to those veterans who would be determined to be indigent in full under the indigency requirements for public defender representation in criminal matters and only to those veterans who reside in a county that has a population of 750,000 or more.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
4 the following amounts for the purposes indicated:

B
↑ department of

2013-14

2014-15

20.485 Department of veterans affairs

(2) LOANS AND AIDS TO VETERANS

(bn) Civil representation for indigent

veterans

GPR

C

1,500,000

1,500,000

SECTION 2. 20.485^x (2) (bn) of the statutes is created to read:

20.485 (2) (bn) *Civil representation for indigent veterans*. As a continuing appropriation from the general fund, the amounts in the schedule to provide representation to indigent veterans under s. 45.45⁶. No moneys may be encumbered from the appropriation under this paragraph after June 30, 2019.

SECTION 3. 45.45⁶ of the statutes is created to read:

45.45⁶ Veterans civil representation program. (1) The department shall establish a program to provide funding from the appropriation under s. 20.485 (2) (bn) to the Wisconsin Trust Account Foundation, Inc. to provide civil legal services to indigent veterans. The Wisconsin Trust Account Foundation, Inc., shall distribute the funding as grants to ^{organizations} ~~programs~~ that provide civil legal services to indigent ^{veterans who are residents of a county that has a population of 750,000} ~~persons~~. ^{An organization} ~~A program~~ that receives funding under this section shall use the funding ^{or} ~~to~~ to provide legal counsel only to those veterans who would be determined to be indigent in full under the indigency requirements for public defender representation under s. 977.07.

(2) This section does not apply after June 30, 2019.

(END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

P1
LRB-3891/7An
MGG:/.....

emw & cjs

— Late —

I arbitrarily put in \$1,500,000 as a place holder. Please let me know the amount of funding you want to provide.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

④ The definition of ~~on~~ ^{of} ~~veteran~~ ^{veteran} found in s. 45.01(12) will apply. OK?

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3891/P1dn
MGG:emw&cjs:jm

January 10, 2014

I arbitrarily put in \$1,500,000 as a place holder. Please let me know the amount of funding you want to provide.

The definition of "veteran" found in s. 45.01 (12) will apply. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3891/P1

MCC:emw&csjm

P2
Pym/ekf/mv

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ^{stat}

Today
tomorrow

2-14-14

reger

certify

granting rule-
making
authority

- 1 AN ACT *to create* 20.485 (2) (bn) and 45.46 of the statutes; **relating to:** funding
- 2 for civil legal services for indigent veterans who are residents of a county that
- 3 has a population of 750,000 or more and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Veterans Affairs to provide funding from the general fund to the Wisconsin Trust Account Foundation, Inc., for grants to programs that provide civil legal services to indigent veterans. The Wisconsin Trust Account Foundation, Inc., was created by the Supreme Court to allocate the money received from attorney trust accounts under Supreme Court rules to programs that provide civil legal services to persons who are indigent. The funding provided under the bill may be used only for providing civil legal services to those veterans who would be determined to be indigent in full under the indigency requirements for public defender representation in criminal matters and only to those veterans who reside in a county that has a population of 750,000 or more.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
- 5 the following amounts for the purposes indicated:

2013-14 2014-15

20.485 Veterans affairs, department of**(2) LOANS AND AIDS TO VETERANS**

(bn) Civil representation for indigent

veterans

GPR

C

1,500,000

1,500,000

SECTION 2. 20.485 (2) (bn) of the statutes is created to read:

20.485 (2) (bn) *Civil representation for indigent veterans.* As a continuing appropriation from the general fund, the amounts in the schedule to provide representation to indigent veterans under s. 45.46. No moneys may be encumbered from the appropriation under this paragraph after June 30, 2019.

SECTION 3. 45.46 of the statutes is created to read:

45.46 Veterans civil representation program. (1) The department shall establish a program to provide funding from the appropriation under s. 20.485 (2) (bn) to the Wisconsin Trust Account Foundation, Inc., to provide civil legal services to indigent veterans. The Wisconsin Trust Account Foundation, Inc., shall distribute the funding as grants to organizations that provide civil legal services to indigent veterans who are residents of a county that has a population of 750,000 or more. An organization that receives funding under this section shall use the funding to provide legal counsel only to those veterans who would be determined to be indigent in full under the indigency requirements for public defender representation under s. 977.07.

(2) This section does not apply after June 30, 2019.

(END)

Insert

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3891/P1ins
~~MCC~~:emw&cjs:jm

1
PJH

INSERT ANALYSIS:

* Under current law, the department of veterans ^{Affairs} assistance (DVA) administers a program to provide assistance to veterans whose need for services is based upon homelessness, incarceration, or other circumstances designated by DVA by rule. DVA currently provides a variety of services under the program, including assistance with housing, medical and dental care, employment, education, and housing.

* This bill requires, until June 30, 2019, DVA to provide civil legal services to veterans who meet the criteria set by DVA for needing services under the current program and who live in a county that has a population of 750,000 or more. The bill requires DVA to establish, by rule, the types of civil legal services it will provide under the program and allows DVA to contract with one or more nonprofit agencies or organizations to provide the civil legal services. Under the bill, DVA must submit an annual report to the legislature on its administration of the civil legal services assistance program.

* For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

* **SECTION 1.** 20.485 (2) (rm) of the statutes is amended to read:

20.485 (2) (rm) *Veterans assistance programs; fish and game vouchers.*

* Biennially, the amounts in the schedule for general program operations of the veterans assistance program under s. 45.43, including providing civil legal services under s. 45.53 (1m), for grants under s. 45.03 (13) (j), and for reimbursements to the department of natural resources under s. 29.1945 (2).

History: 1971 c. 93, 125, 198, 215; 1973 c. 4, 90; 1973 c. 208 ss. 2, 3, 17; 1973 c. 333 s. 201m; 1973 c. 340; 1975 c. 26, 39, 198, 200, 224; 1977 c. 4, 29, 237; 1977 c. 418 s. 929 (55); 1977 c. 447; 1979 c. 4, 34, 155; 1981 c. 20 ss. 377g to 399, 2202 (55) (a); 1981 c. 93, 237; 1983 a. 27; 1983 a. 333 s. 6; 1985 a. 6, 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 44, 165, 209; 1993 a. 16, 254, 490; 1995 a. 27, 225; 1997 a. 27; 1999 a. 2; 1999 a. 9 ss. 245m, 498t to 504; 1999 a. 63, 136; 2001 a. 16, 74, 103, 106; 2003 a. 33, 42; 2005 a. 22, 25, 254, 468; 2007 a. 28, 177; 2011 a. 32; 2013 a. 20.

* **SECTION 2.** 20.485 (2) (rm) of the statutes, as affected by 2013 Wisconsin Act

(rate auto ref) a
* (this act), is amended to read:

20.485 (2) (rm) *Veterans assistance programs; fish and game vouchers.*

Biennially, the amounts in the schedule for general program operations of the veterans assistance program under s. 45.43, including providing civil legal services

* ⁴
under s. 45.03 (1m), for grants under s. 45.03 (13) (j), and for reimbursements to the department of natural resources under s. 29.1945 (2).

History: 1971 c. 93, 125, 198, 215; 1973 c. 4, 90; 1973 c. 208 ss. 2, 3, 17; 1973 c. 333 s. 201m; 1973 c. 340; 1975 c. 26, 39, 198, 200, 224; 1977 c. 4, 29, 237; 1977 c. 418 s. 929 (55); 1977 c. 447; 1979 c. 4, 34, 155; 1981 c. 20 ss. 377g to 399, 2202 (55) (a); 1981 c. 93, 237; 1983 a. 27; 1983 a. 333 s. 6; 1985 a. 6, 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 44, 165, 269; 1993 a. 16, 254, 490; 1995 a. 27, 225; 1997 a. 27; 1999 a. 2; 1999 a. 9 ss. 245m, 498t to 504; 1999 a. 63, 136; 2001 a. 16, 74, 103, 106; 2003 a. 33, 42; 2005 a. 22, 25, 254, 468; 2007 a. 20; 2009 a. 28, 177; 2011 a. 32; 2013 a. 20.

* SECTION 3. 45.43 (1) of the statutes is amended to read:

45.43 (1) The department shall administer a program to provide assistance to

persons who served in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who were discharged under conditions other than dishonorable. The department shall provide assistance under this section to persons whose need for services is based upon homelessness, incarceration, or other circumstances designated by the department by rule. The eligibility requirements under s. 45.02 (2) do not apply to a person applying for assistance under this section.

X The department shall, pursuant to sub. (1m), provide civil legal services to veterans and shall designate the other assistance available under this section, which Other assistance may include assistance in receiving medical care, dental care, education, employment, single room occupancy housing, and transitional housing. The department may provide payments to facilitate the provision of services under this section.

SECTION 4. 45.43 (1) of the statutes, as affected by 2013 Wisconsin Act... (this act), is amended to read:

* No. 45.43 Veterans assistance program. (1) The department shall administer a program to provide assistance to persons who served in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who were discharged under conditions other than dishonorable. The department shall provide assistance under this section to persons whose need for services is based upon homelessness,

incarceration, or other circumstances designated by the department by rule. The eligibility requirements under s. 45.02 (2) do not apply to a person applying for assistance under this section. The department shall, pursuant to sub. (1m), provide civil legal services to veterans and shall designate other the assistance available under this section. Other assistance, which may include assistance in receiving medical care, dental care, education, employment, single room occupancy housing, and transitional housing. The department may provide payments to facilitate the provision of services under this section.

History: 2005 a. 22; 2007 a. 20; 2009 a. 28; 2013 a. 20.

SECTION 5. 45.43 (1m) of the statutes is created to read:

45.43 (1m) (a) The department shall provide civil legal services to veterans who are residents in a county that has a population of 750,000 or more and who meet the eligibility criteria set forth in sub. (1). The department shall promulgate rules to determine the kinds of civil matters for which it will provide legal services under this subsection. The department may enter into a contract with one or more non-profit agencies or organizations to provide civil legal services under this section.

(b) Before June 30 of each year, beginning in 2016 and ending in 2019, the department shall provide a report on the program under this subsection to the legislature under s. 13.172 (2). The report shall include the number of veterans for whom the department provided civil legal services, the criteria the department used to determine who would receive civil legal services, a list of agencies or organizations with which the department contracted to provide civil legal services under this subsection, and the kinds of civil legal matters with which the department provided civil legal services under this subsection.

SECTION 6. 45.43 (1m) of the statutes, as created by 2013 Wisconsin Act 13, is repealed.

SECTION 7. Fiscal changes.

(1) CIVIL LEGAL SERVICES FOR VETERANS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section 20.485 (2) (rm) of the statutes, as affected by the acts of 2013, the dollar amount is increased by \$70,000 for the first fiscal year of the fiscal biennium in which this subsection takes effect to provide legal services to veterans pursuant to s. 45.43 (1m). In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section 20.485 (2) (rm) of the statutes, as affected by the acts of 2013, the dollar amount is increased by \$70,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to provide legal services to veterans pursuant to s. 45.43 (1m).

SECTION 8. Effective dates. This act takes effect on the day after publication, except that the amendment of section 20.485 (2) (rm) of the statutes (by Section 2), the amendment of section 45.43 (1) of the statutes (by Section 4), and the repeal of section 45.43 (1m) of the statutes take effect on July 1, 2019.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3891/P2

PJH:emw&kjf:rs

stays /mr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3-6-14
no change
but from /PI
to II

Regen

1 AN ACT *to repeal* 45.43 (1m); *to amend* 20.485 (2) (rm), 20.485 (2) (rm), 45.43
2 (1) and 45.43 (1); and *to create* 45.43 (1m) of the statutes; **relating to:** funding
3 for civil legal services for certain veterans who are residents of a county that has
4 a population of 750,000 or more, granting rule-making authority, and making
5 an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Veterans Affairs (DVA) administers a program to provide assistance to veterans whose need for services is based upon homelessness, incarceration, or other circumstances designated by DVA by rule. DVA currently provides a variety of services under the program, including assistance with medical and dental care, employment, education, and housing.

This bill requires, until June 30, 2019, DVA to provide civil legal services to veterans who meet the criteria set by DVA for needing services under the current program and who live in a county that has a population of 750,000 or more. The bill requires DVA to establish, by rule, the types of civil legal services it will provide under the program and allows DVA to contract with one or more nonprofit agencies or organizations to provide the civil legal services. Under the bill, DVA must submit an annual report to the legislature on its administration of the civil legal services assistance program.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.485 (2) (rm) of the statutes, as affected by 2013 Wisconsin Act
2 20, is amended to read:

3 20.485 (2) (rm) *Veterans assistance programs; fish and game vouchers.*
4 Biennially, the amounts in the schedule for general program operations of the
5 veterans assistance program under s. 45.43, including providing civil legal services
6 under s. 45.43 (1m), for grants under s. 45.03 (13) (j), and for reimbursements to the
7 department of natural resources under s. 29.1945 (2). ✓

8 **SECTION 2.** 20.485 (2) (rm) of the statutes, as affected by 2013 Wisconsin Act
9 (this act), is amended to read:

10 20.485 (2) (rm) *Veterans assistance programs; fish and game vouchers.*
11 Biennially, the amounts in the schedule for general program operations of the
12 veterans assistance program under s. 45.43, ~~including providing civil legal services~~
13 ~~under s. 45.43 (1m)~~, for grants under s. 45.03 (13) (j), and for reimbursements to the
14 department of natural resources under s. 29.1945 (2). ✓

15 **SECTION 3.** 45.43 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
16 amended to read:

17 45.43 (1) The department shall administer a program to provide assistance to
18 persons who served in the U.S. armed forces or in forces incorporated as part of the
19 U.S. armed forces and who were discharged under conditions other than
20 dishonorable. The department shall provide assistance under this section to persons
21 whose need for services is based upon homelessness, incarceration, or other

1 circumstances designated by the department by rule. The eligibility requirements
2 under s. 45.02 (2) do not apply to a person applying for assistance under this section.
3 The department shall, pursuant to sub. (1m), provide civil legal services to veterans
4 and shall designate the other assistance available under this section, which. Other
5 assistance may include assistance in receiving medical care, dental care, education,
6 employment, single room occupancy housing, and transitional housing. The
7 department may provide payments to facilitate the provision of services under this
8 section.

9 **SECTION 4.** 45.43 (1) of the statutes, as affected by 2013 Wisconsin Act (this
10 act), is amended to read:

11 45.43 (1) The department shall administer a program to provide assistance to
12 persons who served in the U.S. armed forces or in forces incorporated as part of the
13 U.S. armed forces and who were discharged under conditions other than
14 dishonorable. The department shall provide assistance under this section to persons
15 whose need for services is based upon homelessness, incarceration, or other
16 circumstances designated by the department by rule. The eligibility requirements
17 under s. 45.02 (2) do not apply to a person applying for assistance under this section.
18 The department shall, ~~pursuant to sub. (1m), provide civil legal services to veterans~~
19 ~~and shall designate other the~~ assistance available under this section. ~~Other~~
20 ~~assistance, which~~ may include assistance in receiving medical care, dental care,
21 education, employment, single room occupancy housing, and transitional housing.
22 The department may provide payments to facilitate the provision of services under
23 this section.

24 **SECTION 5.** 45.43 (1m) of the statutes is created to read:

1 45.43 (1m) (a) The department shall provide civil legal services to veterans who
2 are residents in a county that has a population of 750,000 or more and who meet the
3 eligibility criteria set forth in sub. (1). The department shall promulgate rules to
4 determine the kinds of civil matters for which it will provide legal services under this
5 subsection. The department may enter into a contract with one or more nonprofit
6 agencies or organizations to provide civil legal services under this subsection.

7 (b) Before June 30 of each year, beginning in 2015 and ending in 2019, the
8 department shall provide a report on the program under this subsection to the
9 legislature under s. 13.172 (2). The report shall include the number of veterans for
10 whom the department provided civil legal services, the criteria the department used
11 to determine who would receive civil legal services, a list of agencies or organizations
12 with which the department contracted to provide civil legal services under this
13 subsection, and the kinds of civil legal matters for which the department provided
14 civil legal services under this subsection.

15 SECTION 6. 45.43 (1m) of the statutes, as created by 2013 Wisconsin Act (this
16 act), is repealed.

17 **SECTION 7. Fiscal changes.**

18 (1) CIVIL LEGAL SERVICES FOR VETERANS. In the schedule under section 20.005 (3)
19 of the statutes for the appropriation to the department of veterans affairs under
20 section 20.485 (2) (rm) of the statutes, as affected by the acts of 2013, the dollar
21 amount is increased by \$70,000 for the first fiscal year of the fiscal biennium in which
22 this subsection takes effect to provide legal services to veterans pursuant to s. 45.43
23 (1m). In the schedule under section 20.005 (3) of the statutes for the appropriation
24 to the department of veterans affairs under section 20.485 (2) (rm) of the statutes,
25 as affected by the acts of 2013, the dollar amount is increased by \$70,000 for the

1 second fiscal year of the fiscal biennium in which this subsection takes effect to
2 provide legal services to veterans pursuant to s. 45.43 (1m).

3 **SECTION 8. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) The amendment of section 20.485 (2) (rm) (by SECTION 2) of the statutes, the
6 amendment of section 45.43 (1) (by SECTION 4) of the statutes, and the repeal of
7 section 45.43 (1m) of the statutes take effect on July 1, 2019.

8 (END)

Parisi, Lori

From: Knocke, Ryan
Sent: Thursday, March 06, 2014 1:02 PM
To: LRB.Legal
Subject: Draft Review: LRB -3891/1 Topic: Civil court representation for indigent veterans

Please Jacket LRB -3891/1 for the ASSEMBLY.

Hurley, Peggy

From: Knocke, Ryan
Sent: Wednesday, March 19, 2014 12:57 PM
To: Hurley, Peggy
Subject: RE: Rep. Goyke Changes to LRB 3891

Peggy-

Thank you! Jacket should be to you. I looked on the courts website and found this below that I think explains is geographic jurisdiction.

<http://www.wicourts.gov/services/veteran/index.htm>

Chippewa Valley Veterans Treatment Court

The Chippewa Valley Veterans Treatment Court, opened in Eau Claire, serves Chippewa, Dunn and Eau Claire counties. The court focuses on addressing alcohol, drug and mental health issues associated with criminal behavior within the military veteran population. Former Chief Judge Benjamin D. Proctor (now retired) - who was honored as the State Bar Judge of the Year in 2009, in part for his work with veterans - was the first presiding judge in this court. Judge William M. Gabler currently presides.

From: Hurley, Peggy
Sent: Wednesday, March 19, 2014 11:35 AM
To: Knocke, Ryan
Subject: RE: Rep. Goyke Changes to LRB 3891

Hi Ryan,

I can make these changes when I get the jacket back. I can specify that the pilot program shall fund vets who reside in Milwaukee county or another county (is the Chippewa Valley region veterans court in Chippewa county?).

Peggy

From: Knocke, Ryan
Sent: Wednesday, March 19, 2014 11:13 AM
To: Hurley, Peggy
Subject: Rep. Goyke Changes to LRB 3891

Peggy-

I hope you are doing well.

Rep. Goyke has discussed this bill with various veterans groups and stakeholders. We have a couple of small changes we would like to make for the draft before we re-introduce it. I am sending the bill jacket back to you shortly. Could these changes be made and a new draft be put together? Thank you!

- Ryan

Two suggested changes to the draft.

- 1) Expressly state that the right to counsel extended under the bill is done as a "pilot program" that ends at a date certain. The bill currently has a sunset provision for 2019, please make it 2017.
- 2) I would like to add a second region to the pilot program under the bill. I would like to include Milwaukee and the Chippewa Valley. I'm not sure if the "Chippewa Valley" has a statutory definition, but the region has a regional Veterans Court. My goal is to include the region covered by the Veterans Court. Please let me know if there is a problem in drafting this.

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3891/1
PJH:emw&kjrs

g/rmr

jld/emw/kjf

2013 BILL

329
today

creating a pilot
program to provide
Regen

4

1

AN ACT *to repeal* 45.43 (1m); *to amend* 20.485 (2) (rm), 20.485 (2) (rm), 45.43

2

(1) and 45.43 (1); and *to create* 45.43 (1m) of the statutes; **relating to:** funding

3

for civil legal services for certain veterans who are residents of a county that has

4

a population of 750,000 or more, granting rule-making authority, and making

5

an appropriation.

of Milwaukee, Chippewa,
Eau Claire, or Dunn county

Analysis by the Legislative Reference Bureau

Under current law, the Department of Veterans Affairs (DVA) administers a program to provide assistance to veterans whose need for services is based upon homelessness, incarceration, or other circumstances designated by DVA by rule. DVA currently provides a variety of services under the program, including assistance with medical and dental care, employment, education, and housing.

This bill requires, until June 30, 2019, DVA to provide civil legal services to veterans who meet the criteria set by DVA for needing services under the current program and who live in a county that has a population of 750,000 or more. The bill requires DVA to establish, by rule, the types of civil legal services it will provide under the program and allows DVA to contract with one or more nonprofit agencies or organizations to provide the civil legal services. Under the bill, DVA must submit an annual report to the legislature on its administration of the civil legal services assistance program.

Milwaukee, Chippewa,
Eau Claire, or Dunn county

2017

BILL

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.485 (2) (rm) of the statutes, as affected by 2013 Wisconsin Act
2 20, is amended to read:

3 20.485 (2) (rm) *Veterans assistance programs; fish and game vouchers.*
4 Biennially, the amounts in the schedule for general program operations of the
5 veterans assistance program under s. 45.43, including providing civil legal services
6 under s. 45.43 (1m), for grants under s. 45.03 (13) (j), and for reimbursements to the
7 department of natural resources under s. 29.1945 (2).

8 **SECTION 2.** 20.485 (2) (rm) of the statutes, as affected by 2013 Wisconsin Act
9 (this act), is amended to read:

10 20.485 (2) (rm) *Veterans assistance programs; fish and game vouchers.*
11 Biennially, the amounts in the schedule for general program operations of the
12 veterans assistance program under s. 45.43, ~~including providing civil legal services~~
13 ~~under s. 45.43 (1m)~~, for grants under s. 45.03 (13) (j), and for reimbursements to the
14 department of natural resources under s. 29.1945 (2).

15 **SECTION 3.** 45.43 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
16 amended to read:

17 45.43 (1) The department shall administer a program to provide assistance to
18 persons who served in the U.S. armed forces or in forces incorporated as part of the
19 U.S. armed forces and who were discharged under conditions other than
20 dishonorable. The department shall provide assistance under this section to persons
21 whose need for services is based upon homelessness, incarceration, or other

BILL

1 circumstances designated by the department by rule. The eligibility requirements
2 under s. 45.02 (2) do not apply to a person applying for assistance under this section.
3 The department shall, pursuant to sub. (1m), provide civil legal services to veterans
4 and shall designate the other assistance available under this section, which. Other
5 assistance may include assistance in receiving medical care, dental care, education,
6 employment, single room occupancy housing, and transitional housing. The
7 department may provide payments to facilitate the provision of services under this
8 section.

9 **SECTION 4.** 45.43 (1) of the statutes, as affected by 2013 Wisconsin Act ... (this
10 act), is amended to read:

11 45.43 (1) The department shall administer a program to provide assistance to
12 persons who served in the U.S. armed forces or in forces incorporated as part of the
13 U.S. armed forces and who were discharged under conditions other than
14 dishonorable. The department shall provide assistance under this section to persons
15 whose need for services is based upon homelessness, incarceration, or other
16 circumstances designated by the department by rule. The eligibility requirements
17 under s. 45.02 (2) do not apply to a person applying for assistance under this section.
18 The department shall, pursuant to sub. (1m), provide civil legal services to veterans
19 and shall designate other the assistance available under this section. Other
20 assistance, which may include assistance in receiving medical care, dental care,
21 education, employment, single room occupancy housing, and transitional housing.
22 The department may provide payments to facilitate the provision of services under
23 this section.

24 **SECTION 5.** 45.43 (1m) of the statutes is created to read:

BILL

SECTION 5

*administer
a Pilot
Program
to*

45.43 (1m) (a) The department shall provide civil legal services to veterans who are residents in a county that has a population of 750,000 or more and who meet the eligibility criteria set forth in sub. (1). The department shall promulgate rules to determine the kinds of civil matters for which it will provide legal services under this subsection. The department may enter into a contract with one or more nonprofit agencies or organizations to provide civil legal services under this subsection.

(b) Before June 30 of each year, beginning in 2015 and ending in 2019, the department shall provide a report on the program under this subsection to the legislature under s. 13.172 (2). The report shall include the number of veterans for whom the department provided civil legal services, the criteria the department used to determine who would receive civil legal services, a list of agencies or organizations with which the department contracted to provide civil legal services under this subsection, and the kinds of civil legal matters for which the department provided civil legal services under this subsection.

SECTION 6. 45.43 (1m) of the statutes, as created by 2013 Wisconsin Act (this act), is repealed.

SECTION 7. Fiscal changes.

(1) CIVIL LEGAL SERVICES FOR VETERANS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section 20.485 (2) (rm) of the statutes, as affected by the acts of 2013, the dollar amount is increased by \$70,000 for the first fiscal year of the fiscal biennium in which this subsection takes effect to provide legal services to veterans pursuant to ~~s.~~ 45.43 (1m) *of the statutes*. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section 20.485 (2) (rm) of the statutes, as affected by the acts of 2013, the dollar amount is increased by \$70,000 for the

*and who
are
residents of
Milwaukee
County
or
Clark
County**2017**section*

BILL

1 second fiscal year of the fiscal biennium in which this subsection takes effect to
2 provide legal services to veterans pursuant to ^{section} 45.43 (1m) ^{of the statutes}

3 **SECTION 8. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) The amendment of section ^(S) 20.485 (2) (rm) (by SECTION 2) ^{of the statutes, the}
6 ^{and} amendment of section 45.43 (1) (by SECTION 4) of the statutes ^{and the repeal of}
7 section 45.43 (1m) of the statutes take effect on July 1, 2019. ²⁰¹⁷ ✓

(END)